

REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

Amendments

The independent claims have been amended to recite the movement of the door as essentially parallel to the standing surface/platform. New claims 12-15 recite the shield or cowl (e.g., application at page seven), and new claims 16-19 recite the movement with respect to the base as controlled or facilitated by a pair of parallel bars (e.g., elements 109a/b in Fig. 2). No new matter is added.

Rejection under 112[2]

The rejection of claim 7 hereunder for using the term "and/or" is respectfully traversed because the specification makes clear that, depending on the particular configuration chosen, as the animal steps on to the device relative movement can open the door or close the door, and as the animal steps off the device the door returns to its original position. Nevertheless, the term has been amended to "or" merely to obviate the rejection, and so this rejection should be withdrawn.

Rejections under 35 U.S.C. 102

The rejection of claims 1, 3, 4, and 6-11 as anticipated by Witham are respectfully traversed.

With respect to independent claims 1, 7, and 11, Witham does not show a standing surface that maintains its essentially parallel orientation with the base during movement. Rather, in Witham the standing surface 22 rotates on the pivot 20. The rejection alleges that the ground (earth) corresponds to the base in applicant's claims. Accordingly, rotation in a plane orthogonal to the base cannot

maintain a parallel orientation between the platform and the base. Further, Witham does not show the door moving essentially parallel with the chassis or standing surface; instead, Witham's door moves towards and away from the standing surface (comparing the orientations shown in Figs. 2 and 3 of Witham). Finally, as recited in applicant's dependent claims, the parallel arms maintain the parallel orientation between the chassis (with a standing surface) and the base, whereas the parallel arms in Witham allow for a *change* in the orientation between the standing surface 22 and the ground (base).

With regard to claims 3, changing the spring to adjust the tension is not a "means" because there is no structure associated with the device that causes or effects a change in the tension. With respect to claim 9, one of ordinary skill in the art reading the specification would see the apparatus includes a single spring and means for adjusting its tension, so "changing the spring" is not what is described or claimed by applicant.

With regard to claims 4 and 6, claim 4 (and thus claim 6) requires the door to move horizontally, parallel to the standing surface, contrary to Witham, who shows the door moving towards and away from the base.

Accordingly, all of these rejections should now be withdrawn.

Rejections under 35 U.S.C. 103

The rejection of claims 2 and 5 as obvious over Witham in view of Bates is respectfully traversed.

As noted above, claims 1 and 4 require the door to move parallel to the standing surface, so these references do not render claim 5 obvious because in Bates, as in Witham, the door moves towards and away from the base or standing surface (*i.e.*, in the references, the plane of rotation is orthogonal to the base and to the standing surface). Claim 2 requires both a skirt and a shield (or cowl; application at page seven), and the shield/cowl is not disclosed by Bates. Accordingly, these rejections should now be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, withdrawal of all of the rejections is now believed to be proper. Should any of the rejections not be overcome by these amendments and remarks and made final, the undersigned requests a telephonic interview with the examiner and her supervisor prior to the mailing of an Office action including a final rejection.